

Dear Pat,

I would like to attend and address the SJR 35 study group Oct 12th. Please include me in your speaker itinerary. The following are some comments I'd like to make in regards to the questions you put forth in Section 2.

Thank you,

Pat Fournier

President

Montana Hearing Society

2) Reviewing the following statute-related policy questions as posed by the decision tree:

A) Can improvements be made in reference to types of boards to better meet public health, safety, welfare issues -- title or title/practice boards, quasi-judicial boards, or boards' administrative attachment?

Yes.

A practice board might be able to authorize a standard written exam to be administered at the department when such an exam does not need board member attendance. There would be cost savings to the department (who wouldn't need to import board members) and there would be a time savings to the prospective practitioner and/or his employer.

For consumer complaints, improvements can be made in the timeliness of the response of board and departmental action. Small narrowly focused quasi-judicial boards, meeting more often (if even by teleconference) may be an effective option.

Personal contact from board or department to both the consumer and the practitioner to explain the complaint process would reduce stress felt by both parties. As it is, both the consumer and practitioner feel caught up in the system.

Staff and legal council to the boards could do more to educate board members how the board system works. New board members take too long to get "up to speed" on how the system works.

B) How can membership composition be improved or revised to better address boards' public health, welfare, safety mandate? -- ratio of specialists on multispecialization boards and number of public members?

I witnessed a situation where the use of "floating members" would have been very effective in an adjudication situation. A dispute arose over whether a board member should have been recused. Although the board had other members, none was allotted to this purpose. I don't think the board needed more members. The composition appeared balanced. The allocation of an extra member in a case of possible conflict of interests seemed to be overlooked. A board with a small number of members, wisely used, saves time & money.

C) Can changes be made to improve administrative attachment -- this section (2-15-121,

MCA) affects staffing, budgeting, rule adoption, quasi-judicial and quasi-legislative functions as well as report submission and representation.

Yes.

2-15-121

1(a) In order to be truly independent, board members who are technical practitioners, not government employees, need to be better educated to governmental policies and procedures. As it is, department personnel understand how government works, therefore they have an upper hand to direct boards to what they think should be done. Board members, especially new ones, are easily over-dependent upon department personnel for direction.

2(a) Have a way to determine whether some of the formulas and assumptions used for calculating costs of the board to the department are accurate. Have an agency out side the department check assumptions & formulas if there is a dispute.